

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LEROY COLLINS,

Petitioner,

vs.

DWIGHT NEVEN, et al.,

Respondents.

Case No. 2:13-cv-00011-JCM-NJK

**ORDER**

Before the court is petitioner's notice to court and/or motion for clarification (#8). Petitioner complains that the court directed service upon Catherine Cortez Masto, the Attorney General of the State of Nevada, but Victor-Hugo Schulze II, a senior deputy attorney general, has appeared on behalf of respondents. This is a common practice.


Also before the court is petitioner's motion for leave to file supplemental pleading (#9). Petitioner asks for leave to include a ground that the state court erred when it did not hold an evidentiary hearing during his post-conviction habeas corpus proceedings. A supplemental pleading is intended for petitioner to raise a claim based upon events that occurred after the commencement of an action. Fed. R. Civ. P. 15(d). Petitioner alleges events that occurred before he commenced this action, and thus an amended petition would be more appropriate. However, even if petitioner presented the correct motion and a proposed amended petition, the court still would deny the motion. Ground 3 of the petition (#5) raised a similar claim, and the court has dismissed it. Order (#6). The cases that petitioner cites, Earp v. Ornoski, 431 F.3d 1158 (9th Cir. 2005), and Baja v. Ducharme, 187 F.3d 1075 (9th Cir. 1999), are inapposite. In both cases, the federal court of

1 appeals, in its supervisory role, determined when federal district courts needed to hold evidentiary  
2 hearings in habeas corpus proceedings. The court of appeals stated nothing about when state district  
3 courts need to hold evidentiary hearings. The rule that this court cited when it dismissed ground 3  
4 remains in effect: Errors in state-court post-conviction proceedings are not addressable in federal  
5 habeas corpus. Franzen v. Brinkman, 877 F.2d 26, 26 (9th Cir. 1989).

6 IT IS THEREFORE ORDERED that petitioner's motion for clarification (#8) is **DENIED**.

7 IT IS FURTHER ORDERED that petitioner's motion for leave to file supplemental pleading  
8 (#9) is **DENIED**.

9 DATED: July 5, 2013.

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12 JAMES C. MAHAN  
13 United States District Judge  
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